

DISTRICT ADVISORY BOARD (DAB) I
MEETING MINUTES
Monday, February 1, 2010
6:30 p.m.
Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

James Roseboro
Bill Wynne
Steve Roberts
Gerald Domotrovic
Janet Wilson
Lisa Riley
Janice Rich
Twila Chaloupek
KC Ohaebosim

Guests

Listed on the last page

City of Wichita Staff Present

Council Member Lavonta Williams
Officer Weber, Beat 44, Wichita Police Department
Officer Oblinger, Beat 45,, Wichita Police Department
Officer Kimble, Beat 47, Wichita Police Department
Officer West Beat 38, Wichita Police Department
Brian Chavez, Wichita Fire Department and 2 Firefighters
Donna Goltry, Planning Department
LaShonda Porter, District 1 Neighborhood Assistant

Order of Business

Call to Order

Roberts called the meeting to order at 6:30 p.m. and welcomed guests.

Approval of Agenda

Wynne (Wilson) made a motion to approve the agenda as submitted. Motion carried **7:0**

Approval of Minutes

Roseboro (Wilson) made a motion to approve the minutes with noted correction. Motion carried **7:0**

Public Agenda

1. Agenda Items

No items submitted.

2. Off Agenda Items

Mary Dean, 2501 N. Wellgate Circle advised that she had several concerns for Council Member Williams. **Dean** provided the Board with written questions from the Kansas Justice Advocate group that she serves as President for. **Dean** noted that she would just submit the questions and await a written response from Council Member Williams.

Staff Report

3. Fire Report

Brian Chavez, provided copies of the District 1 Fire Incident Overview Report which included the following information:

	Incidents	Resources	Incidents	Resources
All Fire	33	190	14	108
Structure Fire	17	152	11	103
EMS & Rescue Alarms	528	672	520	691
Service Alarms	160	393	185	397
	721	1,255	719	1,196

Chavez also provided an update on the fire investigation report:

7 total fires: 4 accidental and 3 incendiary

Chavez also advised that the Fire Academy would be starting May 20th and would last 10 weeks.

Wilson asked if they knew why the increase from 2008 to 2009 in structure fires. **Chavez** advised that he did not have that information available.

The **Board** thanked for **Chavez** for his time and service.

Action Taken: Receive and file.

4. Police Report

Officer Weber, Beat 44 provided an update on the hotspots in Beat 44. He advised that burglaries and aggravated assaults were down. He noted that Sunflower Apartments at 14th Minneapolis has a management change from Rob Snyder to Key Rob Patterson. **Weber** noted that he was hopeful that he would get cooperation from the new homeowner to trying and improve the conditions of the property. He advised that he would try to encourage discontinuance of month-to-month leasing to ensure a more stable rental community.

Officer Oblinger, Beat 45 advised that there is a new CP Office at the Kenmar shopping center. He noted that there are not any regular hours; however, if there are Police cars parked outside the community is more than welcome to stop and visit with an Officer.

CM Williams arrived at 6:40 p.m.

Officer Kimble, Beat 47 advised that there was a shooting at 1900 E. Looman and the suspects have been identified. He also noted that several narcotic search warrants have been carried out and hopefully that will reduce activity in the community. **Kimble** also advised that Calvary Towers is also under new management and they are willing to work with WPD to help resolve some of the issues and concerns.

Riley wanted more information of the shooting at 1st & Hillside. **Officer West** advised that two males showed up at Wesley Hospital with a gun shot wound to the stomach and a gun shot to the wrist. **West** also advised that they were able to locate shells casing and has some vehicle information. He noted that they had an impact meeting that following Tuesday as well.

Riley asked also if the CP Officers for Beat 31 could also report to DAB I providing residents with an update on what's going on in the community. Additionally she wanted to know how

residents are informed about impact meetings. **West** advised mainly through Officers knocking on the doors.

Twila Chaloupek arrived at 6:44 p.m.

The **Board** thanked the Officers for their presentations.

Action Taken: Receive and file.

New Business

5. ZON2009-00041

Donna Goltry, Planning Department, presented information on the zoning request to change from limited commercial to general commercial with a protective overlay to the property located at the southwest corner of Lincoln Street and Hydraulic Avenue. The identified reason for the request is so the developers can have a broader range of uses for redevelopment. **Goltry** identified the property in question as the old Dillons located on the southwest corner.

Goltry advised that the developer has worked with staff to develop a protective overlay that prohibits certain uses on the property. **Goltry** advised that this list was derived to take into consideration the concerns and needs of the community. She noted that should the request be approved it would be subject to Protective Overlay #239.

Goltry advised that the subject property is permitted all the uses allowed by right under the “GC” general commercial zoning district, except for the following uses:

- Auditorium or Stadium
- Cemetery
- Correctional Placement Residence, Limited and General
- Day Care, Limited and General
- Golf Course
- Hospital
- Recycling Collection Station, Private
- Recycling Collection Station, Public
- Recycling Processing Center
- Reverse Vending Machine
- Bed and Breakfast Inn
- Car Wash
- Funeral Home
- Hotel or Motel
- Kennel, Hobby and Boarding/Breeding/Training
- Marine Facility, Recreational,
- Microbrewery
- Monument sales
- Nightclub in the City
- Recreation and Entertainment, Indoor and Outdoor
- Recreational Vehicle Campground
- Rodeo in the City
- Riding Academy or Stable
- Sexually Oriented Business

Tattooing and Body Piercing Facility
Tavern or Drinking Establishment
Vehicle and Equipment Sales
Vehicle Repair, Limited and General
Asphalt or Concrete Plant, Limited
Vehicle Storage Yard

2. Event Centers, Entertainment Establishments, Teen Clubs and Nursery and Garden Center shall not be permitted except by Conditional Use.
3. No new buildings or structures or expansion of existing buildings shall be permitted within 35 feet of Greenwood Avenue and 20 feet of the alley or south property line.
4. Landscaping shall be provided at a rate of 1.5 times the Landscape Ordinance along Greenwood Avenue, the alley and the south property line prior to occupancy of the building. Existing trees within the Greenwood Avenue may be used to meet the requirements of the Landscape Ordinance.
5. A solid screening fence between six and eight feet in height shall be installed along Greenwood Avenue and along the south property line prior to occupancy of the building. A solid screening fence between six and eight feet in height shall be required around all outdoor storage areas to reasonably screen them from ground view. Solid screening is not required where the west side of the building serves as a screening wall and is not required north of the north face of the building.
6. No additional loading docks or driveway entrances shall be permitted along Greenwood Avenue or the alley along the south. Existing loading docks, outdoor work and storage areas shall be screened from ground-level view by solid screening prior to occupancy of the building.
7. No outdoor display shall be allowed within 50 feet of the west or south property lines. No outdoor storage shall be permitted within the north 200 feet of the subject property. All outdoor storage or display areas shall not interfere with internal circulation and/or fire lanes.
8. No building or wall signage or freestanding signage shall be permitted along Greenwood Avenue, the alley or the south property line except signage in compliance with and permitted in all zoning districts by the Wichita Sign Code.
9. Billboards, off-site signage and portable signage shall be prohibited. Signage classified by the Wichita Sign Code as animated, flashing or moving signs shall be prohibited.

Goltry then advised that agent Russ Ewy was in attendance and that she would stand for questions.

Rich noted that some of the uses permitted are also appearing on non-permitted list such as the nursery. **Goltry** advised that the nursery should not be prohibited. **Rich** also wanted to know what a reverse vending machine. **Goltry** advised that it crushes pop cans.

Bernice Albright, 1239 S Hydraulic advised that she did not object to having the building occupied but she would like to have something positive go into the facility. She also wanted to know if there were different rules that would have to be followed if they subdivided the building to several occupants. **Goltry** advised that it is possible for them to subdivide the property but they would still have to follow the provisions in the protective overlay.

Russ Ewy, Baughman Company advised that they have been working with staff for the last 3 months to come up with a list of prohibited uses that was fair to both the community and his

client. **Ewy** noted that one of the proposals that had been on the radar was for a machine shop, but the owner is no longer interested. He noted that they are trying to get an expanded net of uses so they sell of the property is more attractive.

Ewy noted that they are trying to be sensitive to the community/neighbors around the venue. He noted that they would be bringing the site up to a modern state, with better screening, signage, and aesthetically more appealing.

Domotrovic wanted to understand if the owner came and asked for the protective overlay. **Ewy** confirmed yes we brought this as a part of our application.

Wilson wanted to know if they had any potential customers for the site. **Ewy** stated no not at this time.

Roseboro wanted to know is a fence would be installed. **Ewy** advised yes that is correct.

Rich wanted to know what was going in the building as she heard that a grocery store would not be permitted is this is approved. **Ewy** advised that was not true and that retail shopping would be ideal for the location.

Chaloupek echoed Rich's comment and advised that they also did not want anything noisy.

Roberts will this site allow pond shops, payday loans to occupy the space. **Goltry** advised that they were not excluded. **Ewy** advised that he would need to confer with the owner, but was confident that they would be able add that to the list of exclusions in the protective overlay.

Roseboro wanted to know why Item #2 from the protective overlay was including. Item #2 was regarding "event centers, entertainment establishments, teen clubs and nursery and garden center shall not be permitted except by conditional use". **Goltry** advised this is an anticipation of other ordinances and concerns from the community.

Action Taken: Recommend approval of the zoning change based on staff recommendation, adding the exclusions of pawn shops and payday loans from occupying this site. (Roberts: Wynne) Motion Passed 8:0

6. CON2009-00045

Donna Goltry, Planning Department presented information on the request for an amendment to CON 2004-00008 a conditional use to allow for a group residence, limited that deletes the current restrictions: limited occupancy to young women, prohibition against resident personal vehicles and the requirement for a resident staff member. **Goltry** that property in question is located at the northeast corner of 15th Street North and Fairmount.

Goltry advised that the applicant was in attendance Mr. Leo Stohl and that she would stand for questions.

Domotrovic wanted to know the difference between group residence and apartment. **Goltry** advised that a group residence is when 6-15 people occupy a residence; they have one kitchen serving all, etc. Verses an apartment building is a multi-family dwelling that has multiple units in one structure. An apartment building would allow for each unit to have there own kitchen, bathrooms, etc.

CM Williams wanted to know if the residence would house women or men. **Goltry** advised that it could be both.

Leo Stohl advised that he would be making several renovations as the structures has some problems. He noted that he was waiting on the engineers report to determine needed renovations and cost. He also noted that his preference would be for a single sex residence.

Roberts wanted to know if he was going to operate a boarding or student housing unit. **Stohl** advised that it would be for student housing.

Roseboro asked if parking spaces were available. **Stohl** advised that yes on the north side of the house, there was room for 10 parking slots.

Mr. Van Milligen, President of Fairmount Neighborhood Association, submitted a letter to the Board advising that the Neighborhood Association is in opposition to the changes in the zoning requested for the group home. He noted that Fairmount Neighborhood Association is opposed to group homes south of 16th Street in their neighborhood. He noted that they are allowed north of 16th Street and that is more than enough. **Van Milligen** advised that an exception was made with Eden Place because it was a non-profit and they replaced a fraternity that had purchased the home and we opposed the fraternity's request for a zoning change and prevailed. He noted that would prefer not to keep their neighborhood the way that it is.

Domotrovic wanted to know what effect does this have on the neighborhood, since it is current vacant and dilapidated. **Van Milligen** advised that it opens the door for more developers wanted to bring in more of this zoning and group residences if this one is approved.

Riley wanted to know if they opposed because of the parking and/or co-ed units. **Van Milligen** advised that they oppose both; they want the zoning to remain the same or go back to a single family dwelling.

Roseboro noted that this would be a vast improvement and wonder if the request did not include the changing to co-ed use would that be okay? What are the sticking points that will not allow the Neighborhood Association to support this request? **Van Milligen** advised that they don't want the 10 parking slots and don't like the idea that approving this request could open the doors for other potential request to be proposed in the neighborhood.

Chaloupek wanted to know where they would park if they couldn't park on site. Additionally she wanted to know if the Neighborhood Association would have a problem is the group home was one like KETCH. **Van Milligen** responded yes they just want it to be a residential neighborhood.

Domotrovic asked if approving this would limit the Board ability to deny other applications of this nature. **Goltry** advised no each cast stands on its own merit; however, approving this request might make it easier for other applicants.

Wilson wanted to know if approved could the Board include provisions that would not allow fraternities or sororities to occupy this residence. **Van Milligen** stated that they don't want any changes made to the current conditions and restrictions.

Nary Dean, 2501 N Wellgate asked where the grant funding for the Eaton Promise come from and did the City give any funding towards this project.

Wilson wanted to know how much the owner planned to invest in the property. **Stohl** stated that he is still waiting on the engineer report, but estimating he would spend at least \$150K and that does not include his labor.

Action Taken: Recommend denial of request. (Roseboro: Wynne) Motion passed 5:3. 1 Board member (Chaloupek) abstained.

7. Metropolitan Transportation Planning (MTP) 2035

Kimberly Spielman, Planning Department presented information on the progress of the Metropolitan Transportation Plan (MTP) 2035. The MTP is an update on the current regional Long Range Transportation Plan (LRTP) 2030, which expires in August of 2010. The MTP 2035 will enable local agencies to use federal funding for transportation projects. Without this plan, regionally, we will lose out of millions of federal dollars that could be used to improve the efficiency, safety, and operations of our transportation system.

Spielman advised that there are four phases to this process that include: 1) spending, 2) vision, goals and objectives, 3) project selection, and 4) draft completion. **Spielman** noted that currently the project is in phase 3 and to date 300 projects have been received, with a total cost of \$4.2 billion; however, anticipated funding is \$3.2 billion.

Spielman advised that a total of 300 projects were submitted for potential inclusion in the MTP 2035. However, since the cost of all the projects submitted is greater than the available funding over the life of the plan, not all of the projects can be included in the funded portion of the plan. She noted that in order to maintain fiscal constraint, packages of projects (or scenarios) were created. Each scenario attempts to focus on certain improvement projects.

Spielman advised that the projects were scored by the MTP Project Advisory Committee (MTP-PAC) based on how well each project addressed the four short-term objectives of the MTP:

- Improve safety
- Provide the greatest benefits to the region
- Reduce air pollution
- Increase options for getting around

Other factors that were taken into consideration

- Local knowledge
- Quality of service
- Travel Demand Model
- Economic development
- Environment
- Livability
- Suitability

Spielman also noted that significant changes are expected for the transit system and were also included in all the scenarios. These changes include: 1) change from hub and spoke to a grid system, 2) addition of commuter routes, 3) expanded hours, 4) addition of park and ride facilities, and 5) more frequent buses. **Spielman** then spelled out the four scenarios.

Initial Scenario: projects selected primarily based off their scores given by the MTP-PAC and balancing project costs with anticipated revenue. Total cost for projects in this scenario: \$3.5 billion.

Fix the Problems: the purpose of this scenario was to fix some of the transportation system problems that still existed in the initial scenario. Changes from the initial scenario: one project removed; and three projects added. Total cost for projects in this scenario: \$3.4 billion.

Mega Projects: the purpose of this scenario was to focus spending on large scale projects. Changes from the initial scenario: six projects were removed. Total cost for projects in this scenario: \$3.3 billion.

Transit/Operations & Maintenance: the purpose of this scenario was to increase operations and maintenance funding, and tweak the transit system to see if ridership would increase. Changes from initial scenario: addition of a free transit option (cost unknown); and 58 projects with a volume to capacity ration less than 0.15 were removed. Total cost for projects in this scenario: \$1.9 billion.

Spielman advised for a complete list of projects that were added or removed from each scenario, could be found at the website www.wampoks.org. Additionally, **Spielman** advised that you could also find their survey on-line at that website through February 19th. **Spielman** noted that Phase 4 would begin in the spring.

Wilson asked if the MTP was going after the \$20 million dollars the federal government has for high speed rails. **Spielman** advised that she was not sure as that would be the State going after those funds.

Riley wanted to know the Redbud Path was included in the planning. **Spielman** advised that project was submitted with the plan.

Albright wanted to know if MTP was involved in initiating the discussion with the rail service. **Spielman** advised no it was the Northern Flyer Alliance.

Action Taken: Receive and file.

8. Changes/Revisions to City Ordinance 9.08 Regarding Trees and Shrubs

Tim Martz, Park & Recreation Department presented information on the updates made to the Rules & Regulations and Chapter 9.04 of the City Code relating to conduct in parks. As part of the process of updating Chapter 9.04, it was determined that Chapter 9.04 regarding trees and shrubs was outdated and some provisions were obsolete.

Martz noted that the ordinances recognize that the City has the responsibility to maintain trees in the public right of way. The amendments set forth the procedures to be utilized by city staff to remove infested trees from private property, and also recognize that the Park and Recreation Department, as opposed to the Park Board, is responsible for the maintenance, pruning and removal of trees in the public right of way.

The amendments also increase the penalty, which may be assessed for violating the ordinances, to a fine of not more that \$500 and 30 days in jail. The increased penalty would allow an offender to be placed on probation and restitution ordered in the case where trees in the right o way were damaged or pruned without permission of the Park and Recreation Department.

Martz also noted that there was an update to the language, changing from areas that said "Board of Directors" to the "Director of Park and Recreation." This would give Park and Recreation authority verses the Board and the Board has agreed to this change of authority.

Riley wanted to know if residents were allowed to prune trees that were in front of their homes. **Martz** advised that yes you can that residents should get permission from Park and Recreation. **Martz** noted that they are mainly concerned when contractors come in and cut trees.

Wynne asked if a resident doesn't have permission from Park and Recreation to cut the trees could they potentially get to jail. **Martz** advised that this is generally not an issue and they have not had an instance where that has occurred.

Roseboro noted that on page 1 of the ordinance there is know mention of alleys. **Martz** advised that alleys are considered right-of-ways.

Roberts asked if he needed permission to trim a tree. **Martz** advised yes if you are a contractor you do need permission.

Wynne asked what about companies that trim trees for the electric company. **Martz** advised that they have an agreement with the City to maintain the right of way for utilities.

Ohaebosim asked if electric companies are exempt from this ordinance. **Martz** advised yes that they have a franchise agreement with the City.

Council Member Williams asked why we charge residents for side replacement when it is the old trees that we planted that are tearing them up.

Roseboro stated that the penalties were and high and should be lowered. **Martz** noted that the penalties are high, but the lost we incur is significant.

Domotrovic asked if someone intentionally damages a tree you could get your cost that way, but he has a problem with it being a blanket penalty. He noted had an issue with this policy.

Martz noted that the language on page 6 – section 11 should read 30 days and not 3 days; and the fine should be \$500.

John Stevens, 3125 E. Boston WIN, advised that this proposal is going before the WIN Board, Mayors Youth Council and the Park Board again. He requested that the Board defer this item for at least 60 days to give all an opportunity to review and comment.

Roberts asked Stevens if the Park Board was okay with the shift in responsibility. **Stevens** advised yes.

Wilson asked if staff knows about a disease that is causing harm to trees why isn't there any public alerts. **Martz** advised that was a great suggestion and he agreed that is something we needed to practice.

Action Taken: Recommended that the item be deferred for 60 days to allow for other groups to hear and provide feedback. (Roberts: Roseboro) Motion passed. 9:0.

Update

Updates, Issues and Reports

Chaloupek advised that Linwood Neighborhood Association would be meeting next week.

Roseboro noted that WIN opposes the impound lot definitions.

Wynne advised that he would like to see a monthly report from OCI.

Roberts advised that Crestview Heights would meeting February 18th.

Wilson advised that A Price Woodard meets on the 2nd Wednesday and would have HR Block and Sedgwick County Extension office as guest.

Riley advised that the First Baptist Church on Hillside is likely to be turned into a performing arts center - \$100K invested in exterior improvements.

With no further business, a motion to adjourn was made. Motion carried 9-0. The meeting adjourned at 8:50 p.m..

Respectfully Submitted,
LaShonda Porter
Neighborhood Assistant

Guests

Benny Albright
Beverly Domotrovic
Mary McDonald
Leo Stohl
Mary Dean
Dan Rouser
Mary Jo Bond
Russ Ewy
John Stevens